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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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34060	7590	07/31/2009	EXAMINER	
MICHAEL N. HAYNES 1341 HUNTERSFIELD CLOSE KESWICK, VA 22947			CHAE, KYU	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,703	Applicant(s) HUYBRIGHS ET AL.	
	Examiner KYU CHAE	Art Unit 2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/27/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-14 have been cancelled. Claims 15-32 have been added.

Claim Objections

2. **Claim 18** objected to under 37 CFR 1.75 as being a substantial duplicate of **claim 25**. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 15 and 19-24** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pub. No. 2001/0049720 A1 to *Eyer*.

As to **claim 15**, *Eyer* discloses a IP-enabled terminal that interfaces with a TV, comprising:

a video-based entertainment service component (Fig. 1 & 2, pg. 2, ¶0027 & 0029 request for EPG and VOD);

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a video-based communication service component (Fig. 2, pg. 4, ¶¶0038 & 0045, audio/visual devices 24, gaming devices, and internet appliances 28); and

a shared operating system that allows parallel processing (Fig. 2, pg. 2, ¶¶0025, 0027-0028, 0038 & 0050-0051, MSO communicates its portal to each STB 200 on the network regardless of the operating system and software of the STB 200),

wherein the video-based entertainment service component includes a entertainment application (Fig. 5, pg. 5, ¶¶0051, application layer includes applications for EPG and VOD),

wherein the video-based communication service includes a communication application (Fig. 5, pg. 5, ¶¶0051, application layer includes applications for web browser, email and chat), and

wherein the applications run in parallel on the shared operating system (Fig. 7 & 8, pg. 2, ¶¶0027-0028, 0038 & 0051-0051, middleware layer 257 enables the handlers and managers to run on multiple platforms with little regard for the actual operating system).

As to **claim 19**, *Eyer* discloses the terminal as claimed in claim 15, further comprising a DSL connector or a cable connector (Fig. 2, pg. 4, ¶¶0040).

As to **claim 20**, *Eyer* discloses the terminal as claimed in claim 15, further comprising a USB connector (Fig. 2, pg. 4, ¶¶0045).

As to **claim 21**, *Eyer* discloses the terminal as claimed in claim 15, further comprising an Ethernet connector (Fig. 2, pg. 5, ¶¶0045).

As to **claim 22**, *Eyer* discloses the terminal as claimed in claim 15, further comprising a keyboard connector (Fig. 2, pg. 5, ¶0050).

As to **claim 23**, *Eyer* discloses the terminal as claimed in claim 15, further comprising an indicator lamp (Fig. 2, pg. 5, ¶0050).

As to **claim 24**, *Eyer* discloses the terminal as claimed in claim 15, further comprising a remote control connection (Fig. 2, pg. 4, ¶0039).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 16-18 and 25-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2001/0049720 A1 to *Eyer* in view of U.S. Patent No. 5,999,207 A to *Rodriguez*.

As to **claim 16**, *Eyer* discloses the terminal as claimed in claim 15.

Eyer does not expressly disclose a video camera.

Rodriguez discloses a videophone that is used in conjunction with a set top box and a television set that includes an audio/video recording device such as a camera 40 and microphone 45 (*Rodriguez* Fig, 12, col. 7, ll. 22-27).

Rodriguez further discloses a sound generator 35 that is external to the videophone and responds to commands from the microprocessor and generates

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a sound when e.g. a user needs to be notified of an incoming call (*Rodriguez* Fig, 12, col. 7, ll. 14-17).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *Allen* by including a video camera as disclosed by *Rodriguez*. The suggestion/motivation would have been in order to provide video recording capabilities for a videophone (*Rodriguez* Fig, 12, col. 7, ll. 22-27).

As to **claim 17**, *Eyer* discloses the terminal as claimed in claim 15.

Eyer does not expressly disclose a video camera connection.

Rodriguez discloses a videophone that is used in conjunction with a set top box and a television set that includes an audio/video recording device such as a camera 40 and microphone 45 (*Rodriguez* Fig, 12, col. 7, ll. 22-27).

Rodriguez further discloses a sound generator 35 that is external to the videophone and responds to commands from the microprocessor and generates a sound when e.g. a user needs to be notified of an incoming call (*Rodriguez* Fig, 12, col. 7, ll. 14-17).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *Allen* by including a video camera connection as disclosed by *Rodriguez*. The suggestion/motivation would have been in order to provide video recording capabilities for a videophone (*Rodriguez* Fig, 12, col. 7, ll. 22-27).

As to **claim 18**, *Eyer* discloses the terminal as claimed in claim 15.

Eyer does not expressly disclose a loudspeaker and a microphone.

Rodriguez discloses a videophone that is used in conjunction with a set top box and a television set that includes an audio/video recording device such as a camera 40 and microphone 45 (*Rodriguez* Fig, 12, col. 7, ll. 22-27).

Rodriguez further discloses a sound generator 35 that is external to the videophone and responds to commands from the microprocessor and generates a sound when e.g. a user needs to be notified of an incoming call (*Rodriguez* Fig, 12, col. 7, ll. 14-17)

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *Allen* by including a loudspeaker and a microphone as disclosed by *Rodriguez*. The suggestion/motivation would have been in order to provide audio recording capabilities for a videophone and a sounds generator to notify an incoming call (*Rodriguez* Fig, 12, col. 7, ll. 22-27).

As to **claim 25**, *Eyer* discloses the terminal as claimed in claim 15.

Eyer does not expressly disclose a loudspeaker and a microphone.

Rodriguez discloses a videophone that is used in conjunction with a set top box and a television set that includes an audio/video recording device such as a camera 40 and microphone 45 (*Rodriguez* Fig, 12, col. 7, ll. 22-27).

Rodriguez further discloses a sound generator 35 that is external to the videophone and responds to commands from the microprocessor and generates a sound when e.g. a user needs to be notified of an incoming call (*Rodriguez* Fig, 12, col. 7, ll. 14-17)

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to modify *Allen* by including a loudspeaker and a microphone as disclosed by *Rodriguez*. The suggestion/motivation would have been in order to provide audio recording capabilities for a videophone and a sounds generator to notify an incoming call (*Rodriguez* Fig. 12, col. 7, ll. 22-27).

As to **claim 26**, *Eyer* and *Rodriguez* in combination disclose the terminal as claimed in claim 25, further comprising a DSL connector (*Eyer* Fig. 2, pg. 4, ¶0040).

As to **claim 27**, *Eyer* and *Rodriguez* in combination disclose the terminal as claimed in claim 26, further comprising a USB connector (*Eyer* Fig. 2, pg. 4, ¶0045).

As to **claim 28**, *Eyer* and *Rodriguez* in combination disclose the terminal as claimed in claim 27, further comprising a cable connector (*Eyer* Fig. 2, pg. 4, ¶0040).

As to **claim 29**, *Eyer* and *Rodriguez* in combination disclose the terminal as claimed in claim 28, further comprising an Ethernet connector (*Eyer* Fig. 2, pg. 5, ¶0045).

As to **claim 30**, *Eyer* and *Rodriguez* in combination disclose the terminal as claimed in claim 29, further comprising a keyboard connector (*Eyer* Fig. 2, pg. 5, ¶0050).

As to **claim 31**, *Eyer* and *Rodriguez* in combination disclose the terminal as claimed in claim 30, further comprising an indicator lamp (*Eyer* Fig. 2, pg. 5, ¶0050).

As to **claim 32**, *Eyer* and *Rodriguez* in combination disclose the terminal as claimed in claim 31, further comprising a remote control connection (*Eyer* Fig. 2, pg. 4, ¶0039).

Examination Considerations

7. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d, 1393, 1404-05, 162 USPQ 541,550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

8. Examiner's Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact

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prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

9. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

10. Examiner's Opinion: ¶ 7-9 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- U.S. Pub. No. 2006/0026637 A1 to *Gatto*.
- U.S. Pub. No. 2003/0008681 A1 to *Miethe*.

12. Claims 15-32 have been rejected.

Correspondence Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KYU CHAE whose telephone number is (571)270-5696.

The examiner can normally be reached on Mon-Fri, 8 a.m. - 5 p.m.; EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HIRL can be reached on (571)272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. C./
Examiner, Art Unit 2426

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
July 30, 2009